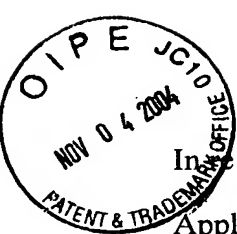


1761
DFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of: Jean-Michel Marchon et al.

Confirmation No.: 3491

Application No.: 10/077,088

Group Art Unit: 1761

Filed: February 15, 2002

Examiner: Robert A. Madsen

For: ROUND ITEMS OF FROZEN
CONFECTIONERY AND PROCESS OF
MANUFACTURE

Attorney Docket No.: 88265-6488

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment (37 C.F.R. § 1.121) dated October 28, 2004, submitted herewith is a Replacement Sheet and Annotated Marked-up Drawings identified in their top margins as such. These present submissions correspond to the Amendment dated October 4, 2004 and replace the drawing sheets submitted therewith. An explanation of the changes to Fig. 3, shown in the attached sheets, is included in the Amendment remarks. The Replacement Sheet should also replace the drawing sheet containing Fig. 3 that was previously filed in this application.

No fee is believed to be due. Should any fee be required, however, please charge such fee to Winston & Strawn LLP Deposit Account No. 50-1814.

Respectfully submitted,

Nov. 4, 2004

Date

E. Bradley Gould

(Reg. No. 41,792)

For: Allan A. Fanucci

(Reg. No. 30,256)

WINSTON & STRAWN LLP

Customer No. 28765

202-371-5771